

PO Box 2727
Taren Point NSW 2229

Suite 1, 191-193 Taren Point Road
Taren Point NSW 2229

Phone: 02 9540 4199
Fax: 02 9540 3943
www.stratatitle.com.au

THE ANNUAL GENERAL MEETING NOTICE 2012

OWNERS-STRATA PLAN 50785
"COTE d'AZUR"

TO BE HELD ON THURSDAY, 19TH APRIL 2012
IN THE BARBEQUE AREA OF 1-3 MCDONALD STREET, CRONULLA COMMENCING AT 7.00PM

[redacted]

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LETTER FROM THE STRATA MANAGING AGENT

Dear Owner(s)

We are pleased to invite you to attend the 2012 Annual General Meeting (AGM) of The Owners-Strata Plan 50785.

The items of business to be discussed and voted on at this years Annual General Meeting is as outlined in the agenda enclosed. Also enclosed is a proxy form, voting procedure and explanatory notes.

If you are unable to attend the meeting in person, you may appoint a proxy to act on your behalf. If you do intend on voting via proxy, please ensure that you complete the attached form and have returned to our office via fax (9540 3943) or e-mail your strata manager directly 24-hours prior to the meeting.

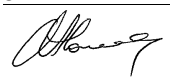
Some further information relating to voting at the meeting is as follows:

- As your complex is classified as a Large Scheme, being 101 Lots or more (excluding utility lots), the completed proxy must be received either by our office or the secretary of the owners corporation at least 24-hours prior to the meeting. Proxies will not be accepted at the meeting.
- Please ensure that all sections of the proxy are completed in full. Proxies not completed correctly maybe deemed invalid.
- If your lot is in the name of multiple owners, where it states owners signature of the proxy form, all owners must sign this section, otherwise your proxy is invalid.
- Should your lot be in the name of a company, please ensure a company nominee form is completed and returned to our office. The company nominee's name must be recorded on the strata roll for them to be able to vote at the meeting.
- Only **FINANCIAL** owners are entitled to vote at a general meeting, unless a unanimous resolutions is required, then all owners whether financial or not are permitted to vote on such motions.
- Please contact our office at least 24 hours prior to the meeting in relation to account and budget enquiries.

If you have any questions about the items of business, please contact the undersigned on 9540 4199 prior to the meeting.

I look forward to seeing you at the meeting.

Yours sincerely
STRATA TITLE MANAGEMENT GROUP



Nina Ashfield-Howell
SENIOR STRATA MANAGER
nhowell@stratatitle.com.au

PROXY AND COMPANY NOMINEE APPOINTMENT FORM

PROXY APPOINTMENT FORM
Strata Schemes Management Act 1996

*** AS A LARGE SCHEME THIS PROXY MUST BE COMPLETED IN FULL AND GIVEN TO THE MANAGING AGENT OR SECRETARY AT LEAST 24-HOURS PRIOR TO THE MEETING TO BE VALID**

Date…… I/We……

the Owners of Lot ……. in Strata Plan No. 50785

appoint ……..of ……
(or the Chairman, as my/our proxy for the purposes of meetings of the owners corporation (including adjourned meetings)

Period or number of meetings for which the appointment of proxy has effect:

* No. of Meetings [ ]/* Period……. [Months]/ * 12 Months or 2 consecutive General Meetings
***Tick and complete which one applies**

(Note: The appointment cannot have effect for more than 12 months or 2 consecutive Annual General Meetings, whichever is greater. If no section is made by the person giving the proxy, the proxy is effective only for one meeting.)

*1. This form authorises the proxy to vote on my/our behalf on all matters

OR

*2. This form authorises the proxy to vote on my/our behalf on the following matters only

***Delete paragraph 1 or 2, whichever does not apply**

(PLEASE CIRCLE AS AN INDICATION OF HOW YOU WANT TO VOTE ON THE MOTIONS)

MOTION 1	FOR/AGAINST (Please circle)	MOTION 2	FOR/AGAINST (Please circle)
MOTION 3	FOR/AGAINST (Please circle)	MOTION 4	FOR/AGAINST (Please circle)
MOTION 5	FOR/AGAINST (Please circle)	MOTION 6	FOR/AGAINST (Please circle)
MOTION 7	FOR/AGAINST (Please circle)	MOTION 8	FOR/AGAINST (Please circle)
MOTION 9	FOR/AGAINST (Please circle)	MOTION 10	FOR/AGAINST (Please circle)
MOTION 11	FOR/AGAINST (Please circle)	MOTION 12	FOR/AGAINST (Please circle)

*3.If a vote is taken on whether ……(the Strata Managing Agent) should be appointed or remain in office or whether another managing agent is to be appointed, I/We want the proxy to vote as follows:-

_____

*Delete paragraph 3 if proxy is not authorised to vote on this matter. For examples see note 1 below.
……

Signature of Owner/s ……

(Signatures of all owners recorded on the Strata Roll required to be validated)

Signature of Proxy Holder ……

Notes

1. A proxy is not authorised to vote on a matter
   (a) If the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
   (b) So as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, caretaker or on- site residential property manager.
2. This form is ineffective unless it is given to the secretary of the owners corporation at or before the first meeting in relation to which it is to operate and it contains the date on which it was made.
3. This form will be revoked by a later proxy appointment form delivered to the secretary of the owners corporation in the manner described in the preceding paragraph.

COMPANY NOMINEE FORM

To ……of……..
(Name of Person to be Appointed) (Address)

……(Company Name) hereby authorises you in accordance with Sec. 122 of the Strata Schemes Management Act 1996, to exercise or perform on its behalf any power, authority, duty or function conferred by or under that Act on its owner of Lots……In Strata Scheme No. 50785

DATED this …….. day of ……2012

THE COMMON SEAL OF ……..
Was hereunto affixed by authority of its Board of Directors In the presence of:-

_____ _____
Secretary (Print Name/Sign) Director (Print Name/Sign)

ANNEXURE "A"

(Statutory Information)

IMPORTANT INFORMATION ABOUT VOTING AT THE ANNUAL GENERAL MEETING

In these notes:

(a) A Priority vote means a vote by:

- An enrolled mortgagee having priority over any other mortgagee or enrolled covenant chargee; or
- An enrolled covenant chargee having priority over any enrolled mortgagee; or
- An enrolled covenant where there is no enrolled mortgagee

(b) A proxy means a person appointed as a proxy by an instrument in the prescribed form

(c) A person entitled to vote means (unless otherwise specified) a person entitled to vote on a motion requiring a unanimous resolution

1. A vote at the meeting by the owner of a lot does not count if a priority vote in respect of the lot is cast in relation to the same manner
2. An owner of a lot, or a person with a priority vote in respect of a lot, may not vote at the meeting on a motion (other than a motion requiring a unanimous resolution) unless payment has been made before the meeting of all contributions levied on the owner, and any other amounts recoverable from the owner, in relation to the lot that are owing at the date of this notice
3. If you, as the addressee of this notice:
   (a) are not a corporation, then voting and other rights conferred by Schedule 2 of the Strata Schemes Management Act 1996 may be exercised by you in person or by proxy; or
   (b) are a corporation, then voting and other rights conferred by that Schedule may be exercised only by your company nominee in person, or by proxy appointed by the corporation
4. Your right to vote as an owner, company nominee or person with a priority vote is also depends upon your name being recorded on the strata roll

IMPORTANT INFORMATION ABOUT A QUORUM FOR THE ANNUAL GENERAL MEETING

1. A motion submitted at the Annual General Meeting must not be considered, and an election must not be held, unless there is a quorum present to consider and vote on the motion or on the election
2. There is a quorum for considering and voting on such a motion or at such an election only if:
   (a) at least one-quarter of the number of persons entitled to vote on the motion or at the election is present, either personally or by duly appointed proxy; or
   (b) at least one-quarter of the aggregate unit entitlement of the strata scheme is represented by the persons who are present and entitled to vote on the motion or at the election, either personally or by duly appointed proxy
3. However, if there is more than one owner in the strata scheme and the quorum calculated in accordance with clause 2 above is less than 2 persons, then the quorum is 2 persons entitled to vote on the motion or on the election
4. If a quorum is not present within the next half-hour after the relevant motion or business arises for consideration at the meeting, then meeting stands adjourned for at least 7 days. A further notice will be given about the adjourned meeting
5. If a quorum is not present within the next half-hour after the time fixed for the adjourned meeting, the persons present personally or by duly appointed proxy and entitled to vote constitute a quorum for considering that motion or business

[redacted]

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NOTICE OF ANNUAL GENERAL MEETING OF THE OWNERS CORPORATION

NOTICE OF BUSINESS to be dealt with at the **Annual General Meeting** of the
Owners-Strata Plan No 50785
To be held in the BBQ Area
1-3 McDonald Street, Cronulla
on **Thursday, 19th April 2012** commencing at **7.00PM**

AGENDA

MOTION 1
Minutes

That the minutes of the previous General Meeting as recorded in the Owners Corporations minute book be confirmed as a true and accurate account of the proceedings at that meeting.

MOTION 2
Financial Statements

That the statement of accounts as prepared by Strata Title Management for the period **01/03/2011 to 28/02/2012** be adopted and that a copy of such accounts be affixed to the minute book of the Owners Corporation immediately after the page on which the minutes of this meeting appear.

MOTION 3
Budget

That the suggested budget* for the period **01/03/2012 to 28/02/2013** be as follows:-

ADMINISTRATIVE FUND	**$ 590,000.00**	Plus GST (Section 75)
SINKING FUND	**$ 202,755.00**	Plus GST (Section 75)

To be levied in four equal instalments in accordance with Section 23 of the Strata Schemes Management Act and due on :- **1.06.12, 1.09.12, 1.12.12 & 1.03.13** and payable according to unit entitlement.

* **Any questions relating to the budget or financial statements should be directed to our office PRIOR to the meeting. Questions directed at the meeting may not be able to be answered. OVERALL BUDGET REPRESENTS A DECREASE OF 6.7% - REFER TO BUDGET NOTES FOR FURTHER DETAILS.**

** **NOTE: That your sinking fund budget as proposed has been calculated in accordance with your sinking fund forecast.**

MOTION 4
Levy Discount

That the owners corporation decide by Special Resolution, pursuant to Section 79(4) of the *Strata Schemes Management Act 1996 (NSW)* to provide a 10 percent discount to an owner if they pay their levy **BEFORE** the due date on which it becomes due and payable.

MOTION 5
Removing Limitation

That in accordance with Section 80A of the Strata Schemes Management Act 1996 as amended the owners corporation resolves to remove the limitation relating to expenditure in excess of 10% above the budget on any one item or matter.

MOTION 6
Insurances

(a) That the owners corporation confirm the current value of the office bearer's liability insurance of $10,000,000.00.
(b) That the owners corporation confirm the current value of the fidelity guarantee insurance for $100,000.00.

MOTION 7
Auditor

That an auditor be appointed and that Strata Title Management Group determine the auditor.

MOTION 8
Restricting the Executive Committee

That the owners corporation decide if there are to be any restrictions placed on the Executive Committee in accordance with Part 2, Schedule 2, Clause 34A of the Act.

MOTION 9
Debt Collection Process

That the owners corporation resolve pursuant to the Strata Schemes Management Act 1996 (NSW) including Section 80D for the purpose of collecting levy contributions to authorise the Strata Managing Agent and/or the Executive Committee to do any one or more of the following:

(a) To engage or appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation of Grace Lawyers Pty Ltd and/or experts on behalf of the owners of strata plan 50785;
(b) To commence, pursue, continue or defend any court, tribunal or any other proceedings against any lot owner, mortgagee in possession and/or former lot owner in relation to all matters arising out of the recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs;
(c) Enforce any judgement obtained in the collection of levy contributions including commencing and maintaining bankruptcy of winding up proceedings;
(d) Filing an appeal or defending an appeal against any judgment concerning the collection of levy contributions;
(e) Liaise, instruct and prepare all matters with the owners corporations' debt collection agents, lawyers and experts in relation to any levy recovery proceedings.

MOTION 10
Termite Inspection

That an annual termite inspection of the common property be carried out.

MOTION 11
Work Health and Safety Report

That the Owners Corporation acknowledge the *Work Health and Safety Act 2011* and *Regulations* and RESOLVE to:

(a) As required, consult, confer, allow inspections and provide assistance (and/or documents) on any matter so far as is reasonably practicable, on work health and safety matters under the Work Health and Safety Act 2011 and Regulations with its agents, employees or contractors or any health and safety representative for its agents, employees or contractors,

(b) As required, prepare and maintain any register or document reasonably required (including an asbestos register if so required) under the Work Health and Safety Act and Regulations and make such register or document available to its agents, employees or contractors or any health and safety representative for its agents, employees or contractors.

(c) Engage Solutions In Engineering to carry out a Safety Report as the preliminary process in compliance with the Work Health and Safety Act 2011.

MOTION 12
Election of the Executive Committee

That the election of the Executive Committee takes place and that:

(A) NOMINATIONS BE RECEIVED FOR THE EXECUTIVE COMMITTEE
(B) THAT THE NUMBER OF MEMBERS TO THE EXECUTIVE COMMITTEE BE DETERMINED



_____

Nina Ashfield-Howell
STRATA TITLE MANAGEMENT GROUP
Dated 4th Day of April 2012

[redacted]

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NOTICE OF EXECUTIVE COMMITTEE MEETING OF THE OWNERS CORPORATION

Take notice that the Executive Committee of the Owners Corporation of **Strata Plan 50785** intends to hold a meeting immediately after the Annual General Meeting on **Thursday 19th April 2012** to be held at the BBQ Area of **1-3 McDonald Street, Cronulla**.

AGENDA

MOTION 1
Minutes

That the minutes of the previous Executive Committee meeting be confirmed as a true and accurate account of the proceedings at that meeting.

MOTION 2
Work Health and Safety

That to exercise due diligence to ensure health and safety under the Work Health and Safety Act 2011 and to repair and maintain common property under the Strata Schemes Management Act 1996, the executive committee or any other party involved with the property raise any safety and/or repair issues to the common property.

MOTION 3
Office Bearers

That the position of office bearers (chairman, secretary and treasurer) for the ensuing year be determined.

MOTION 4
Appointed Representative and Substitute Representative

That the Executive Committee elect a representative and a substitute representative who are the nominated contact person(s) with the strata managing agent.

_____

Nina Ashfield-Howell
STRATA TITLE MANAGEMENT GROUP
Dated 4th Day of April 2012

EXPLANATORY NOTES

The aim of the Explanatory Notes is to provide a guide to the owners in understanding the items of business to be considered at the Annual General Meeting. The notes are set out in the order of the items in the notice of meeting and should be read with the notice.

Minutes
It is a requirement under the Strata Schemes Management Act 1996, that a motion be included at each general meeting of an owners corporation for the previous general meeting minutes to be adopted. The minutes are a brief official summary of the proceedings of the meeting.

Financials
Attached to the notice of the meeting are the financial statements of the owners corporation. The financial statements are reports that show the owners corporations financial position at the end of the schemes financial period. These reports outline the income/expenditure for both the administrative and sinking funds for the financial period.

As indicated above any questions relating to the financial statements should be directed to our office prior to the meeting, so we may provide a response. Questions that are raised at the meeting may not be able to be answered.

Budget ("Contributions")
At each Annual General Meeting, it is a statutory requirement to estimate how much money the owners corporation must contribute to the administrative and sinking funds. A proposed budget has been prepared by our office for the owner's consideration as enclosed with the agenda. The budget as adopted at the Annual General Meeting is done so by an ordinary resolution, which is on a majority basis.

****** REFER TO DETAILED BUDGET NOTES ON PAGES FOLLOWING.**

Levy Discount
In accordance with Section 79 (4) the owners corporation must decide by Special Resolution if they wish to provide lot owners with a 10% discount on their quarterly levy contributions should the payment be received prior to the due date. (Owners should allow up to 4 days for the payments to be received into the trust account for SP50785).

Removing Limitation
In accordance with Section 80A of the Strata Schemes Management Act 1996, for a large scheme, the owners corporation must not in the period until the next Annual General Meeting, spend on any item or matter an amount greater than that determined amount (budget line items) for expenditure on the item or the matter plus 10%. This motion removes such limitation on the owners corporation, as at any stage the owners corporation could potentially be above 10% on any budgeted line item, which then requires the owners corporation to call a general meeting. The calling of general meeting can be expensive and burdensome on the owners corporation, and this motion gives the owners corporation the ability to remove this requirement.

Insurances Office Bearer's
The office bearer's are the elected executive committee members of the owners corporation. The insurances for office bearer's cover matters in respect of damage to property, death or bodily injury for which the person elected as an office, being chairperson, secretary, treasurer or any member of the executive committee could become liable in damages due to an act or omission in good faith, in performing their functions.

Auditor
An audit is a systematic investigation of the statement of income and expenditure for the administrative and sinking fund and of the underlying accounting records for the schemes financial year, to determine whether those financial statements give a fair and true representation of the financial condition of the strata scheme, and whether the accounting standards have been applied with. Being classified as a large scheme, which is 101 Lots or more, as per the Strata Schemes Management Act 1996 you must have an audit carried out on your books and records each year.

Restricting the Executive Committee
The Strata Schemes Management Act 1996, allows the executive committee to exercise all the powers, duties, authorities, and functions of an owners corporation, except where the matters falls within the three restricted classes. Executive Committee decisions that do not fall within the three restricted matters, are taken as a decision on behalf of the owners corporation. The motion on the agenda is for the owners corporation to decide if they wish to restrict the decision making powers of the executive committee. If the owners corporation does restrict certain powers of the executive committee that they usually would make, a general meeting is required to be held for those restricted matters for resolution.

Debt Collection Process
An owners' corporation can only do anything in one of three ways:-

1. By resolution passed at a general meeting;
2. By resolution passed at an executive committee meeting;
3. By the strata manager acting under delegated authority as contained in their management agreement.

A new section has been added to Regulation 15 of the Strata Regulations in September 2010 which excludes debt collection from the operation of section 80D of the Strata Schemes Management Act 1996 ("the Act") which requires that all legal action or advice must be approved at a general meeting (or as excluded by Regulation 15).

However, there must still be the authority (i.e.: by resolution or through the strata manager) to commence legal proceedings.

Termite Inspection
The owners corporation should consider an annual termite inspection of the common property and the surrounds. This is to ensure that there is no termite activity in or around the complex, which may result in extensive works to be undertaken, which can also be very costly.

Work Health & Safety
For the purposes of the *Works Health and Safety Act 2011* an Owners Corporation has various obligations. As "people" in control of a workplace an Owners Corporation has a duty to ensure that the property is safe and without risks to health, for workers (including volunteers, contractors and employees), visitors and residents alike. There are substantial penalties for non compliance.
The Owners Corporation must ensure that the property is safe and without risks to health on an ongoing basis. In order to do this Owners Corporations need to:

- Identify the actions necessary to eliminate or control a risk;
- Ensure that all measures used to eliminate or control a risk are properly used and maintained; and
- Review its risk assessment under a range of circumstances.

The Owners Corporation does not have to engage a professional to identify hazards and perform a risk assessment; however there are strong reasons to do so. Occupational Health and Safety is a specialist field and few individuals possess the skills, knowledge or experience to conduct a reliable risk assessment. Using a professional provider, such as *Solutions in Engineering*, gives the Owners Corporation the security of knowing that their Safety Report will be accurate and reasonable. Also, if the Owners Corporation uses a non-expert to conduct an assessment, it may expose the Owners Corporation and that person to liability if the assessment is deficient.

Having a Safety Report prepared for your property is the first step towards meeting your obligations, by identifying hazards and assessing the risks they pose.

Election of the Executive Committee
At each Annual General Meeting the owners corporation must elect an executive committee. The owners corporation can only elect between 1-9 members to the executive committee. Should there be more nominations receive to that of the number of executive committee member positions as voted upon at the Annual General Meeting, or more than 9 nominations, the election of the executive committee must be done via a ballot.